

Disbarments

Charlene Mauk-Williams of Terry, Mississippi: The Supreme Court of Mississippi **Disbarred** Ms. Mauk-Williams from the practice of law in Cause No. 2020-BD-00222-SCT, pursuant to Rule 6 of the Rules of Discipline for the Mississippi State Bar (MRD). Ms. Mauk-Williams pled guilty to and was convicted of the felony of contributing to the neglect of a minor under Mississippi Code Section 97-5-39(1)(d). Ms. Mauk-Williams is prohibited from seeking reinstatement pursuant to Rule 12(d) of the Rules of Discipline for the Mississippi State Bar (MRD).

Suspensions

Kathleen L. Caldwell of Memphis, Tennessee: The Supreme Court of Mississippi imposed a Six (6) month Suspension in Cause No. 2020-BD-483, pursuant to Rule 6 of the Rules of Discipline for the Mississippi State Bar (MRD), for violations of Rules 1.2, 1.4, 1.5, and 1.15 of the Mississippi Rules of Professional Conduct (MRPC). Ms. Caldwell must apply for reinstatement under Rule 12, MRD, before returning to the practice of law in Mississippi.

John Patrick Robbins of Tupelo, Mississippi: A Complaint Tribunal appointed by the Supreme Court of Mississippi imposed a **Three (3) year Suspension** in Cause No. 2020-B-385 for violations of Rules 1.2, 1.3, 1.4(a), 1.5(a), 1.15(a), 1.15(b), 1.15(c), 1.16(d), 3.3, 8.1(b), 8.4(a)d, 8.4(b), 8.4(c) and 8.4(d), MRPC.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that he had paid Mr. Robbins a \$1,000.000 retainer in April of 2017 for a child custody matter. The client also sent Mr. Robbins a check in the amount of \$4,200.00 for six months of child support to be forwarded to the mother of his child. Mr. Robbins deposited the child support check but failed to deliver the funds to the child's mother. Mr. Robbins later refunded the funds to Mr. Nunez after the Formal Complaint was filed.

An informal [Bar] complaint was filed against Mr. Robbins alleging Mr. Robbins failed to complete an estate matter. The client hired Mr. Robbins in February of 2017 and paid \$2,800.00 as an attorney fee. Mr. Robbins failed to complete the work in a timely manner and failed to communicate with the client. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that Mr. Robbins had failed to complete the estate matter for which he was hired. The client attempted to contact Mr. Robbins several times but Mr. Robbins failed to respond to her communications. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins alleging that Mr. Robbins failed to communicate with the client for a period of time. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins was filed by a client alleging Mr. Robbins would not return calls or messages for over a year. The client had hired Mr. Robbins to

pursue a case against an automobile dealer and paid Mr. Robbins a retainer of \$500.00 and advanced the filing fee of \$250.00 on September 22, 2017. Mr. Robbins filed suit but performed no other work on the case. The client later hired a new attorney and requested a refund from Mr. Robbins. Mr. Robbins eventually refunded the funds paid less the filing fee. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins alleging Mr. Robbins failed to pursue an appeal of a Chancery Court judgment. The client paid Mr. Robbins \$2,500.00 for the appeal. Mr. Robbins became unresponsive and failed to communicate with the client. The appeal was dismissed when the fee for the transcript was not paid. Mr. Robbins failed to respond to informal [Bar] complaint.

An Investigatory Hearing set for August 28, 2019, was noticed by the Office of General Counsel for seven (7) informal [Bar] complaints. Mr. Robbins was personally served with a subpoena to appear for the Investigatory Hearing, but he failed to appear.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that he had hired Mr. Robbins to file a divorce and paid him \$1,500.00. Mr. Robbins prepared documents but failed to complete the representation. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that they retained Mr. Robbins to defend a civil lawsuit. Mr. Robbins failed to answer discovery. Mr. Robbins further consented to a judgment without the client's consent. The client only discovered the judgment when his paycheck was garnished. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins alleging that Mr. Robbins failed to complete an estate matter. The client paid Mr. Robbins a fee of \$915.00 in three installments. Mr. Robbins failed to complete the work on the estate. Mr. Robbins also failed to communicate with the client or her siblings. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that Mr. Robbins failed to complete a property matter. The client paid Mr. Robbins a fee of \$1,500.00 and \$275 for the filing fee and service of process fee. Mr. Robbins stopped communicating with the client and did not complete the work. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that Mr. Robbins failed to complete the legal matter for which he was hired. The client paid Mr. Robbins \$216 for a filing fee. Mr. Robbins failed communicate with the client or complete the work for which he was hired. Mr. Robbins failed to respond to informal [Bar] complaint.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that she had hired Mr. Robbins to represent her in a civil matter against an individual and a manufacturer and paid him \$1,700.00. Mr. Robbins admitted in his answer to the informal complaint that he fell behind on his client's matter, did not adequately communicate with her and that she was due a refund of unearned fees.

An informal [Bar] complaint was filed against Mr. Robbins by a client alleging that he had hired Mr. Robbins to obtain a certificate of rehabilitation and paid him \$500.00. Mr. Robbins admitted in his answer to the informal complaint that he fell behind on his client's matter, did not adequately communicate with him, and that he was due a refund of unearned fees.

Rule 1.2(a), MRPC, provides that a lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued. Rule 1.3, MRPC, provides that a lawyer shall act with reasonable diligence and promptness in representing a client. Rule 1.4(a), MRPC, provides that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. Rule 1.5(a), MRPC, provides that a lawyer's fee shall be reasonable. Rule 1.15(a), MRPC, provides that a lawyer shall hold the property of clients and third parties separate from the lawyer's own property. The lawyer must identify this other property and safeguard it. The rule also provides that the lawyer shall maintain complete records of trust account funds for a period of seven years following termination of the representation. Rule 1.15(b), MRPC, provides that upon receiving funds in which a client or third person has an interest, a lawyer shall promptly notify the client or third person and promptly deliver those funds. Rule 1.15(c), MRPC, provides that when a lawyer is in possession of property in which both the lawyer and another person claim an interest, the property shall be kept separate until the dispute is resolved. Rule 1.16(d), MRPC, provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment that has not been earned. Rule 3.3, MRPC, provides that a lawyer shall not knowingly make a false statement of material fact to a tribunal. Rule 8.1(b), MRPC, provides that a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information by a disciplinary authority. Rule 8.4(a), MRPC, provides that it is professional misconduct for a lawyer to violate or attempt to violate the rules of professional conduct. Rule 8.4(b), MRPC, provides that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer. Rule 8.4(c), MRPC, provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Rule 8.4(d), MRPC, provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Angela Jones of Tupelo, Mississippi: A Complaint Tribunal appointed by the Supreme Court of Mississippi imposed a **Twelve (12) Month Suspension** in Cause No. 2020-B-484 for violations of Rules 1.15(a), 1.15(b), 8.4(a) and 8.4(d), MRPC.

An informal [Bar] complaint was filed against Ms. Jones regarding her representation in a motor vehicle accident case. Ms. Jones agreed to allow the client to negotiate a settlement with the insurance company and place the settlement proceeds in the firm's trust account with no fee due the firm. The insurance company paid \$100,000.00 to settle the claim and on June 3, 2016, the settlement proceeds were deposited into Ms. Jones's trust account. On June 6, 2016, Ms. Jones disbursed \$40,000.00 to the client. On June 17, 2016, Ms. Jones disbursed \$2,813.56 for the client's medical records and she continued to hold \$57,186.44 in trust. However, on August 2,

2016, Ms. Jones trust account balance fell below the amount entrusted to her. On December 20, 2016, the client's insurance company paid an underinsured motorist claim in the amount of \$75,000.00 that was also deposited into Ms. Jones's trust account. On December 23, 2016, Ms. Jones disbursed \$75,000.00 to the client. After the informal [Bar] complaint was filed, Ms. Jones sent the client a cashier's check for \$57,500.00 on August 20, 2018. During the investigation, the Bar requested Ms. Jones produce her trust account records. Ms. Jones produced bank statements for her trust account. Ms. Jones did not produce ledgers for her trust account indicating the ownership of funds held in the account. The Bar also subpoenaed Ms. Jones operating account records. Those records demonstrate that from August of 2016 through May of 2017 Ms. Jones wrote a number of checks from her trust account to her law firm, deposited those checks in her firm operating account, and then made a number of withdrawals for personal use.

Rule 1.15(a), MRPC, which provides that a lawyer shall hold the property of clients and third parties separate from the lawyer's own property. The lawyer must identify this other property and safeguard it. The rule also provides that the lawyer shall maintain complete records of trust account funds for a period of seven years following termination of the representation. Rule 1.15(b), MRPC, which provides that upon receiving funds in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property. Rule 8.4(a), MRPC, which provides that it is professional misconduct for a lawyer to violate or attempt violate the rules of professional conduct or engage in conduct that is prejudicial to the administration of justice. Rule 8.4(d), MRPC, which provides that it is professional misconduct to engage in conduct that is prejudicial to the administration of justice.

Samuel Lee Tucker of Ocean Springs, Mississippi: The Supreme Court of Mississippi imposed a **Six (6) month Suspension** in Cause No. 2019-BA-1728 for violations of Rules 1.5(a), 1.15(a) and 8.4(a) of the Mississippi Rules of Professional Conduct (MRPC).

The Committee on Professional Responsibility received an informal [Bar] complaint alleging violations of the Mississippi Rules of Professional Conduct (MRPC) related to Mr. Tucker's representation of a client in a construction contract dispute. After consideration of the informal [Bar] complaint, the Committee directed the Office of General Counsel to file a Formal Complaint pursuant to Rule 7(b)(iii) of the Rules of Discipline for the Mississippi State Bar ("MRD"). Mr. Tucker filed his Answer to the Formal Complaint admitting the allegations of the Formal Complaint. A trial was conducted and an Opinion and Judgment entered suspending Mr. Tucker from the practice of law for six (6) months. The Opinion and Judgment also required Mr. Tucker to notify his clients, courts, agencies and adverse parties of his suspension and return any property in his possession belonging to his clients. To ensure compliance with the notification requirement of the Opinion and Judgment, Mr. Tucker was ordered to file an affidavit with the Clerk of the Supreme Court within thirty (30) days certifying his compliance, which Mr. Tucker failed to do. The client had hired Mr. Tucker to pursue a claim related to a construction project. The client signed an engagement contract with Mr. Tucker that purported to charge a non-refundable retainer in the amount of \$2,500.00 to be billed against by Mr. Tucker at a rate of \$200.00 per hour. The client paid Mr. Tucker a \$2,500.00 advance fee. Mr. Tucker did not have a lawyer trust account

at the time he received the advance fee and placed the advance fee in his firm operating account. Mr. Tucker had no banking records to show the deposit or disbursement of the advance fee. Mr. Tucker failed to diligently pursue the matter and accordingly, the client terminated the representation. Mr. Tucker returned the client's file at the time of termination but not the unearned advanced fee. While Mr. Tucker testified that he performed some work on the matter he was unable to produce any record or document, including electronic documents, to indicate work was performed. Mr. Tucker did eventually refund the unearned fee after the informal Bar complaint was filed. Mr. Tucker only opened a lawyer trust account after the informal Bar complaint was filed and testified that he had not previously had a trust account since at least 1995.

Rule 1.5(a), MRPC, requires that a lawyer's fee be reasonable and sets forth several factors to consider in making that calculation. In this matter the Supreme Court held that the nonrefundable retainer was unreasonable when little to no work is performed and the lawyer was obligated to return any unearned portion of the fee. Rule 1.15(a), MRPC, requires that a lawyer hold the property of clients and third parties separate from the lawyer's own property in a separate trust account. The rule also requires complete records of such trust accounts to be kept and preserved by the lawyer for seven years after the representation is terminated. Rule 8.4(a), MRPC, provides that it is professional misconduct for a lawyer to violate or attempt to violate the rules of professional conduct.

Randolph Walker of Corinth, Mississippi: A Complaint Tribunal appointed by the Supreme Court of Mississippi **Suspended** Mr. Walker for **six (6) months** in Cause No. 2020-B-216 for violations of Rules 1.2(a), 1.3, 1.4(a), 1.8(e), 1.15(a) and (b), 8.1(b), and 8.4(a), (b), (c) and (d), MRPC.

Mr. Walker was hired to represent a client in a personal injury matter in which she sustained injuries from a car accident. Mr. Walker did not effectively represent her in the personal injury case and failed to effectively communicate with the client. The client signed a release agreement for the settlement amount for her case. Mr. Walker failed to respond to the client's telephone calls, voicemails and text messages after he received the settlement proceeds from the insurance company. In July of 2017, Mr. Walker provided the client with \$1,000.00 that the client believed to be an advance that would later be deducted from her settlement proceeds. Mr. Walker failed to submit a report for the advance he provided to the client in the amount of \$1,000.00 to the Bar's Ethics Committee. The client did not receive any of the settlement proceeds from Mr. Walker regarding the settlement of the personal injury matter. Mr. Walker has also not paid any of the client's medical bills from the accident from the settlement proceeds. The Bar sent Mr. Walker demands that he respond to the informal complaint on October 16, 2018; November 9, 2018, and November 30, 2018. Mr. Walker either failed or refused to answer the informal complaint or comply with the lawful demand of the Bar. An Investigatory Hearing was held at the Bar Center on April 18, 2019, pursuant to Rule 5, MRD, regarding informal (Bar) complaint. Mr. Walker failed and/or refused to appear for the Investigatory Hearing.

Rule 1.2(a), MRPC requires a lawyer to abide by the decisions of his clients concerning the objectives of the representation. Rule 1.3, MRPC requires a lawyer to act with reasonable diligence and promptness in representing a client. Rule 1.4(a), MRPC requires a lawyer to keep his client reasonably informed about the status of a matter and promptly comply with reasonable

requests for information. Rule 1.8(e), MRPC requires a lawyer to report an advance payment to the Standing Committee on Ethics within seven (7) days following the making of each such payment. Rule 1.15(a), MRPC requires a lawyer to hold the property of third parties separate from the lawyer's own property in a separate trust account. Rule 1.15(b), MRPC requires a lawyer to promptly notify a client and/or third party that he holds funds the client and/or third party is entitled to receive and then promptly deliver those funds. Rule 8.1(b), MRPC requires a lawyer to respond to a lawful demand for information concerning a disciplinary matter. Rule 8.4(a), (b), (c), and (d), MRPC provides that it is professional misconduct for a lawyer to violate or attempt violate the rules of professional conduct; to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer; to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; or to engage in conduct that is prejudicial to the administration of justice.

Connie M. Easterly of Baton Rouge, Louisiana: The Supreme Court of Mississippi imposed a **ninety (90) day Suspension** retroactive to May 6, 2019, in Cause No. 2019-BD-01181-SCT, pursuant to Rule 13 of the Rules of Disciplinary for the Mississippi State Bar (MRD) for reciprocal discipline in Louisiana.

Public Reprimands

Carter C. Hitt of Collins, Mississippi: The Committee on Professional Responsibility imposed a **Public Reprimand** in docket numbers 18-412-2 and 18-413-2 for violation of Rule 5.5(a) of the Mississippi Rules of Professional Conduct (MRPC).

A client hired Mr. Hitt to provide representation on a post-conviction relief case. The client hired Mr. Hitt in March 2019 and paid for legal services on March 22, 2019. In a separate matter, a client hired Mr. Hitt to prepare a quitclaim deed on March 19, 2019. During the time of both representations, Mr. Hitt was not in good standing with the Mississippi Bar as a licensed attorney due to non-payment of bar dues. Mr. Hitt was suspended for non-payment of dues as of March 19, 2019 until he was reinstated to active status on May 13, 2019. Rule 5.5(a), MRPC, provides a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

Martin De Porres Perkins of Jackson, Mississippi: The Committee on Professional Responsibility imposed a **Public Reprimand** in Docket No.17-415-2 and Docket No. 18-061-1 for violations of Rules 1.2(a), 1.3, 1.4(a) and 1.16(a)(2), MRPC.

In the first informal (Bar) complaint a client hired Mr. Perkins to handle a wrongful death matter and an estate matter. Mr. Perkins failed to respond to the client's telephone calls, voicemails and text messages after she signed the initial petition to open an estate. Mr. Perkins did not speak to his client for over two (2) years. Mr. Perkins also failed to file the wrongful death lawsuit. While Mr. Perkins required additional information from the client in order to file suit, he did not make any efforts to communicate with the client to obtain the information or inform her that he was unable to proceed.

In the second informal (Bar) complaint, Mr. Perkins was hired to handle a divorce and custody matter. Mr. Perkins failed to respond to the client's telephone calls, voicemails and text messages. Approximately six (6) months after hiring Mr. Perkins, the client met Mr. Perkins at the courthouse and learned that the divorce and child support matter were still not finalized.

During the time of both representations, Mr. Perkins suffered from health issues. In both cases Mr. Perkins failed to withdraw from the representation or communicate his inability to diligently pursue his client's matters during that time.

Rule 1.2(a), MRPC, requires a lawyer to abide by the decisions of the client concerning the objectives of the representation. Rule 1.3, MRPC, requires a lawyer to act with reasonable diligence and promptness in representing a client. Rule 1.4(a), MRPC, requires a lawyer to keep the client reasonably informed as to the status of a matter and promptly comply with reasonable requests for information. Rule 1.16(a)(2), MRPC, requires a lawyer to withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.

Issac K. Byrd, Jr. of Jackson, Mississippi: The Committee on Professional Responsibility imposed a **Public Reprimand** in Docket No. 19-192-1 for violations of Rules 1.4 and 8.1(b), MRPC.

Mr. Byrd was hired to pursue a wrongful death claim in 2012 on behalf of a client. The client continued to ask Mr. Byrd and his office staff about her case status for over eight (8) years. Mr. Byrd failed to respond to the informal (Bar) complaint.

Rule 1.4 provides that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. Mr. Byrd violated Rule 1.4, MRPC, by failing to keep the client reasonably informed as to the status of her legal matter. Rule 8.1(b) provides that a lawyer to respond to a lawful demand for information concerning a disciplinary matter. Mr. Byrd failed to respond to the informal [Bar] complaint.

J. Adam Miller of Ocean Springs, Mississippi: The Committee on Professional Responsibility imposed a **Public Reprimand** in Docket No. 19-132-10 for violations of Rules 1.4 and 1.16, MRPC.

In January of 2019, a client retained Mr. Miller to defend her on a felony DUI charge. Mr. Miller was subsequently suspended on September 6, 2019. At the time of his suspension, Mr. Miller had not completed his representation and failed to inform his client of his suspension.

Rule 1.4, MRPC, requires a lawyer to keep his client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. Mr. Miller failed to communicate his suspension to his client in violation of Rule 1.4, MRPC. Rule 1.16, MRPC, requires a lawyer to withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct. Mr. Miller was required to withdraw from his client's representation upon suspension. Mr. Miller failed to properly withdraw in violation of Rule 1.16, MRPC.

Mary Lee Holmes of Petal, Mississippi: The Supreme Court of Mississippi imposed a **Public Reprimand** in Cause No. 2020-BD-1183, pursuant to Rule 13 of the Rules of Discipline for the Mississippi State Bar (MRD), for violations of Rules 5.5(a) and 8.4(a) of the Mississippi Rules of Professional Conduct (MRPC), based upon a public reprimand she received in Louisiana. In the underlying matter, Ms. Holmes undertook representation of a client without first being properly admitted under Louisiana's *pro hac vice* rules.

Private Reprimands

The Committee on Professional Responsibility imposed a **Private Reprimand** in docket number 19-207-1 for violations of Rules 1.4 and 8.1(b) of the Mississippi Rules of Professional Conduct (MRPC).

A client filed an informal [Bar] complaint against an attorney alleging that the attorney would not return his telephone calls or provide a case status update after being retained and paid for his legal services. The attorney responded that he offered a refund of the retainer fees to the client and worked several billable hours on the client's case. The Office of General Counsel requested additional information regarding an accounting of the case and documentation of a refund. The attorney failed to respond to the General Counsel's request and did not provide any documentation. Rule 1.4, MRPC, provides that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. Rule 8.1(b), MRPC, provides that a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

A Complaint Tribunal appointed by the Supreme Court of Mississippi imposed a **Private Reprimand** in Cause No. 2018-B-1069 for violations of Rules 1.4(a) and 1.5(b), MRPC.

A client filed an informal [Bar] complaint against an attorney. The attorney was hired to enroll and collect a foreign judgment against a Mississippi resident. Most of his communications were through the client's Louisiana lawyer who obtained the original judgment. The attorney agreed to perform the work for a flat fee of \$2,500.00. The Louisiana lawyer sent the attorney a letter confirming the representation and forwarding the client's check for \$2,500 to be billed against at a rate of \$200 per hour. The attorney failed to correct the client or Louisiana lawyer's misunderstanding as to the basis of his fee. Also, the attorney admitted that he failed to reasonably communicate with the client early in his representation. The attorney continued to represent the client without charging an additional fee to complete the representation.

Rule 1.4(a), MRPC, requires a lawyer to keep a client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Rule 1.5(b), MRPC, requires a lawyer to communicate the basis of his fee, preferably in writing, before or within a reasonable time after commencing the representation.

A Complaint Tribunal Appointed by the Supreme Court of Mississippi imposed a **Private Reprimand** in Cause No. 2019-B-450 for violations of Rules 3.3(a)(1) and 3.2, MRPC.

An informal (Bar) complaint was filed against an attorney in accordance with Rule 5.1, MRD, based upon information received from a United States Bankruptcy Judge. The judge informed the Bar that an Assistant United States Trustee had made allegations of misconduct against the attorney regarding her handling of a bankruptcy case. The client also filed an informal (Bar) Complaint against the attorney.

The attorney was initially hired to file a Chapter 13 Bankruptcy petition in February of 2018. She filed the petition and an application to pay the filing fee in installments. When the client became delinquent in his plan payments, his petition was dismissed in May of 2018. The client returned to the attorney in June to refile. The attorney asked the client to review his previous paperwork and advise if there were any changes. The client returned to the attorney's office after hours in July of 2018 to pay the \$310 filing fee because the attorney told him that while they could file the application to pay in installments again, the court may not grant it due to his previous delinquency. The attorney failed to inform her staff that she had received the filing fee but did deposit the funds into her lawyer trust account.

In August of 2018, the attorney filed the second bankruptcy petition, along with a disclosure of pre-petition fees paid by the debtor to debtor's counsel that failed to identify she received the filing fee. She also filed an application to pay the filing fee in installments, which was subsequently granted. The Trustee filed a motion to alter or amend the judgment because the attorney received the filing fee from her client and should not have filed the application to pay in installments and the court should not have granted it. The judge entered an order requiring the filing fee to be paid in seven (7) days. The attorney discovered her mistake and paid the filing fee to the clerk. The filing fee remained in her lawyer trust account the entire time and her trust account records showed no indication of commingling or misappropriation.

Rule 3.3(a)(a), MRPC, which provides that A lawyer shall not knowingly make a false statement of material fact or law to a tribunal. Rule 3.2, MRPC, which provides that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 19-268-3 for violations of Rules 1.2, 1.3 and 1.4, MRPC.

A client filed an informal (Bar) complaint against an attorney alleging that he was not prepared for a court hearing and had failed to contact her regarding her case. The attorney also cancelled court hearings without prior notice to his client after being paid a retainer fee. The attorney admitted he caused delays in the client's case due to family matters and his additional employment. He also admitted he failed to confirm the court hearing with the court administrator and the matter was not placed on the docket.

Rule 1.2, MRPC, provides that a lawyer shall abide by a client's decisions regarding the objectives of the representation. The attorney failed to obtain his client's consent to cancel the hearing in violation of Rule 1.2(a), MRPC. Rule 1.3, MRPC provides that a lawyer shall act with reasonable diligence in representing a client. The attorney failed to provide diligent representation and caused delays in the client's case by failing to confirm the court hearing date with the court administrator in violation of Rule 1.3, MRPC. Rule 1.4, MRPC provides that a lawyer shall keep a client

reasonably informed about the status of a matter and promptly comply with reasonable requests for information. The attorney failed to return his client's calls and provide his client with a case status updates in violation of Rule 1.4(a), MRPC.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 19-242-2 for violations of Rules 1.4(a) and 5.3, MRPC.

On or about December 2, 2019, the attorney failed to inform the client that she had to appear at an immigration hearing in person. The client believed the hearing was telephonic and learned she had to appear in person on the morning of the hearing when she arrived at the attorney's law office. The hearing was scheduled at an Immigration Court three hours away. When the client arrived at the hearing three hours later, she was informed the judge ordered the client and her children be removed (deported) to Mexico without further hearings. The attorney subsequently took steps to assist the client, including connecting the client with another immigration attorney. In addition, the attorney's paralegal signed the retainer agreement on the attorney's behalf. The attorney also failed to adequately supervise her paralegal about the paralegal and attorney's responsibilities regarding the signing of the retainer agreement.

Rule 1.4(a), MRPC, provides that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. The attorney failed to advise the client of the necessity of appearing in person for the hearing resulting in the client's deportation. The attorney's failure to communicate is a violation of Rule 1.4(a), MRPC. Rule 5.3, MRPC, states that a lawyer shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer, and a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer. The attorney failed properly supervise her paralegal in violation of Rule 5.3, MRPC.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 19-322-4 for violations of Rules 8.4(c) and (d), MRPC.

The attorney was hired by the attorney's ex-husband's business partner to prepare a deed for the client to sign and be notarized by the attorney. The attorney notarized the deed without the client being personally present at the time of notarization. The attorney did not ensure that the client personally signed the deed upon receiving the signed deed.

Rule 8.4(c), MRPC, states it is professional misconduct to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Rule 8.4(d), MRPC, states it is professional misconduct to engage in conduct prejudicial to the administration of justice. The attorney notarized a legal document without the signer being personally present at the time of notarization in violation of Rule 8.4(c) and (d).

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 17-338-2 for violation of Rule 1.2, MRPC.

An informal (Bar) complaint was filed against an attorney in accordance with Rule 5.1, MRD, based on information received from an attorney in accordance with their reporting obligation under Rule 8.3, MRPC. The information submitted indicated that an attorney received funds for a minor settlement. Instead of placing those funds in a restricted interest-bearing guardianship account as ordered by the Chancery Court, he placed the funds in his lawyer trust account. When the attorney changed law firms, he was not aware the funds were not properly disbursed. Following a hearing the Chancery Court calculated the interest due the minor for the time the client was deprived of his funds. The funds remained in the lawyer trust account during the relevant time period and therefore were not at risk. The attorney paid half the interest due the minor and his former firm paid the other half.

Rule 1.2, MRPC, provides that a lawyer shall abide by a client's decisions regarding the objectives of the representation. The attorney failed to deposit the minor settlement funds in a restricted, interest bearing, guardianship account as ordered by the Chancery Court.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 18-241-2 for violations of Rule 1.3, MRPC.

A client filed an informal (Bar) complaint stating that they had hired the attorney in early September of 2018 to file a claim against a funeral home. Later in September of 2018, the attorney learned the statute of limitations had passed but continued to represent the client. The attorney advised the client that an action for injunctive relief should be filed because the claims were time-barred. However, the attorney did not file for injunctive relief as he advised. The client subsequently terminated the attorney's representation.

Rule 1.3, MRPC, provides that a lawyer shall act with reasonable diligence in representing a client. Mr. Walter advised his client that he would file for injunctive relief against the funeral home because the statute of limitations had passed. However, he failed to file the action.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 19-161-11 for violations of Rules 4.4(a) and 8.4(d), MRPC.

A public records request for video surveillance footage of city hall was submitted to a city attorney. The attorney failed to attempt to obtain the requested public information within the time allowed by statute to respond to the public records request. When she later attempted to retrieve the information, it had been automatically deleted by the system. The attorney's failure to timely respond to the public records request resulted in the deletion of the requested public record.

Rule 4.4(a), MRPC, provides that a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person. The attorney's delayed response to the public records request caused the records to become unavailable. Rule 8.4(d), MRPC, states that it is professional misconduct to engage in conduct that is prejudicial to the administration of justice. The attorney failed to timely respond to the public records request.

Irrevocable Resignations

Sibyl Byrd of Jackson, Mississippi: A Complaint Tribunal Appointed by the Supreme Court of Mississippi accepted Ms. Byrd's **Irrevocable Resignation** in Cause No. 2019-B-800 pursuant to Rule 10.5 of the Rules of Discipline for the Mississippi State Bar (MRD). Ms. Byrd is prohibited from seeking reinstatement to the practice of law pursuant to Rule 10.5 of the Rules of Discipline for the Mississippi State Bar (MRD).

Reinstatements

Sean P. Mount of New Orleans, Louisiana: The Supreme Court of Mississippi Reinstated Mr. Mount to the practice of law in Cause No. 2020-BR-783-SCT.

David Cartan Loker Gibbons, Jr. of Metairie, Louisiana: The Supreme Court of Mississippi **Reinstated** Mr. Gibbons to the practice of law in Cause No. 2019-BR-1672-SCT.

M. Reid Stanford of Grenada, Mississippi: The Supreme Court of Mississippi **Reinstated** Mr. Stanford to the practice of law in Cause No. 2020-BR-270-SCT.